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09/733,112	12/08/2000	Robert P. Todd	10179-32622	2623

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EXAMINER
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VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/733,112

Applicant(s)

TODD, ROBERT P. *ST*

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a non-final office action on the merits. Claims 1-13 are pending.

#### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words. Correction is required. See MPEP § 608.01(b).

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-7, 9-10, and 13 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Sato et al. (U.S. 5,911,687).

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4. As per claim 1, Sato et al. discloses in a computerized system, a method of enabling a client to schedule an appointment with a particular service provider, comprising the steps of:
- (a) providing a database of service providers, each service provider having associated therewith a plurality identifying criteria (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein a database of service providers is disclosed. The service providers have associated identifying criteria, such as name, specialty, etc.);
  - (b) receiving from the client a search request having a plurality of desired criteria associated with the particular service provider (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-61, and column 9, lines 1-4 and 45-50, wherein the system receives criteria from the client to search the database for a provider);
  - (c) comparing the plurality of desired criteria with the plurality of identifying criteria for each service provider in the database of service providers (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein a database of service providers is disclosed. The service providers have associated identifying criteria, such as name, specialty, etc.);
  - (d) presenting the client with a list of service providers having associated therewith the desired criteria (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein the client is presented with a list of service providers from which to choose)
  - (e) enabling the client to select the particular service provider from the list of service providers presented (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8,

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lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein the client chooses from the list of service providers);

(f) enabling the client to request a proposed appointment date and time for meeting with the particular service provider (See at least column 9, lines 1-3 and 45-60, wherein the client requests a treatment appointment);

(g) comparing the proposed appointment date and time with a database of available dates and times associated with the particular service provider (See at least column 8, lines 45-67, and column 9, lines 1-3 and 45-60, wherein the database reflects the patients scheduled by the doctor and the proposed appointment is compared with those already scheduled to arrive at an appointment, if any);

(h) obtaining identifying information from the client (See at least column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein information is obtained from the client);

(i) converting the proposed appointment date and time to a confirmed appointment date and time (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein the appointment date is confirmed);

(j) adding the confirmed appointment date and time to database of appointments associated with the particular service provider (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein the confirmed appointment date and time are added to the system databases); and

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(k) removing the confirmed appointment date and time from the database of available dates and times associated with the particular service provider (See at least column 8, lines 45-67, and column 9, lines 1-3 and 45-60, wherein the appointment is registered in the file as reserved).

5. As per claim 2, Sato et al. teaches a method further comprising providing the client with directions to the particular service provider (See at least column 8, lines 35-65, column 9, lines 34-45, and column 10, lines 24-30, wherein the patient is directed to the address of the doctor).

6. As per claim 5, Sato et al. teaches a method further comprising the step of, if the proposed appointment date and time for meeting with the particular service provider is not available, enabling the client to request another proposed appointment date and time (See at least column 9, lines 45-50, wherein the service provider and client consult to determine a date/time).

7. As per claim 6, Sato et al. teaches a method further comprising the step of enabling the client to define the search request by selecting each of the desired criteria from a database of available desired criteria (See at least column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, where criteria is entered by the client).

8. As per claim 7, Sato et al. discloses a method further comprising the step of enabling the client to view information about the confirmed appointment date and time (See at least column 9, lines 5-25 and 35-60, wherein once confirmed, the client can view information about the appointment such as information on the service provider).

9. As per claim 9, Sato et al. discloses a method further comprising the step of enabling the particular service provider to view information about the confirmed appointment date and time (See at least column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 35-67, and column 9, lines 1-25 and 45-50, wherein information is obtained from the client about the client's appointment and the information is viewable).

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10. As per claim 10, Sato et al. teaches a method further comprising the step of enabling the particular service provider to view information about confirmed appointment dates and times for a plurality of clients (See at least column 2, lines 5-31, column 5, lines 40-60, column 6, lines 50-67, column 7, lines 1-3, column 8, lines 1-15 and 35-67, and column 9, lines 1-25 and 45-50, wherein information is obtained from each of the clients about the clients' appointments and the information is viewable).

11. As per claim 13, Sato et al. teaches in a computerized system, a method of enabling a client to schedule an appointment with a particular service provider, comprising the steps of:

- (a) providing a database of service providers, each service provider having associated therewith a plurality identifying criteria (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein a database of service providers is disclosed. The service providers have associated identifying criteria, such as name, specialty, etc.);
- (b) obtaining identifying information from the client (See at least column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein information is obtained from the client);
- (c) receiving from the client a search request having a plurality of desired criteria associated with the particular service provider (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-61, and column 9, lines 1-4 and 45-50, wherein the system receives criteria from the client to search the database for a provider);
- (d) comparing the plurality of desired criteria with the plurality of identifying criteria for each service provider in the database of service providers (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and

45-50, wherein a database of service providers is disclosed. The service providers have associated identifying criteria, such as name, specialty, etc.);

(e) presenting the client with a list of service providers having associated therewith the desired criteria (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein the client is presented with a list of service providers from which to choose);

(f) enabling the client to select the particular service provider from the list of service providers presented (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 8, lines 1-15 and 35-67, and column 9, lines 1-4 and 45-50, wherein the client chooses from the list of service providers);

(g) enabling the client to request a proposed appointment date and time for meeting with the particular service provider from a selection of available appointment dates and times from the database of available dates and times associated with the particular service provider (See at least column 8, lines 45-67, and column 9, lines 1-3 and 45-60, wherein the client negotiates an appointment with the service provider from the available times of the service provider);

(h) converting the proposed appointment confirmed appointment date and time (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein the appointment date is confirmed);

(i) adding the confirmed appointment date and time to a date and time to a database of appointments associated with the particular service provider (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column



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8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50, wherein the confirmed appointment date and time are added to the system databases); and

(j) removing the confirmed appointment date and time from the database of available dates and times associated with the particular service provider (See at least column 8, lines 45-67, and column 9, lines 1-3 and 45-60, wherein the appointment is registered in the file as reserved).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (U.S. 5,911,687) in view of Cummings, Jr. et al. (U.S. 6,345,260).

13. As per claim 3, Sato et al. teaches a method wherein the doctor and client discuss back and forth an appointment time and wherein the client is contacted the day of the appointment (See at least column 9, lines 45-50, and column 10, lines 25-45). However, Sato et al. does not expressly disclose sending the client a reminder of the confirmed appointment date and time prior to the confirmed appointment date and time.

Cummings, Jr. et al. discloses sending the client a reminder of the confirmed appointment date and time prior to the confirmed appointment date and time (See at least column 2, lines 40-55, column 8, lines 1-15, 40-45, and 60-67, and column 9, lines 45-67, wherein a reminder/confirmation is emailed/telephoned to the requester).

Both Cummings, Jr. et al. and Sato et al. disclose locating a doctor (or doctors) that is (are) available to provide service to the client and using a computer system to schedule an appointment with the service provider(s). Furthermore, Cummings, Jr. discloses sending a follow-up communication to the client via the phone, email, etc. to confirm and remind of the scheduled appointment. A service provider contacting a client to confirm and remind of a scheduled appointment was well known in the service industry at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a follow-up contact to confirm and remind of the scheduled appointment of Sato et al. in order to more efficiently allow clients to book appointments for available time by ensuring that the times that appointments are scheduled (as thus are listed unavailable) are truly scheduled and unavailable by confirming with both the doctor and the client.

14. As per claim 4, Sato et al. teaches that the client selects a service provider for an appointment and that the service provider may or may not be available (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50). However, Sato et al. does not expressly disclose and Cummings, Jr. et al. discloses that if the proposed appointment date and time for meeting with the particular service provider is not available, suggesting a different appointment date and time that is available in the database of available dates and times associated with the particular service provider (See at least column 5, lines 49-51, column 6, lines 25-27, column 8, lines 20-35, and column 9, lines 45-60, wherein when the tentative, proposed appointment is not available, the doctor's office suggesting and assigning a new time and place for an event).

Both Cummings, Jr. et al. and Sato et al. disclose locating a doctor (or doctors) that is (are) available to provide service to the client and using a computer system to schedule an appointment with the service provider(s). Furthermore, Cummings, Jr. et al. discloses proposing a tentative appointment and the appointment being confirmed or rescheduled. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for rescheduling the appointment of Sato et al. in order to more efficiently protect the interests and schedules of the parties involved by having the scheduling system meet the known needs of the industry, such as cancellation and rescheduling. See at least column 10, lines 1-20.

15. As per claim 8, Sato et al. teaches that the client is enabled to view information about particular service providers and after the client selects a doctor, the doctor reveals information about previously confirmed appointments (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50). However, Sato et al. does not expressly disclose but Cummings, Jr. et al. discloses enabling the client to view information about confirmed appointment dates and times for a plurality of particular service providers (See at least column 2, lines 40-55, column 8, lines 1-30 and 40-45, and 60-67, and column 9, lines 45-67, wherein the client can view information about the confirmed dates/times of the service providers in order to request available times for appointments).

Both Cummings, Jr. et al. and Sato et al. disclose locating a doctor (or doctors) that is (are) available to provide service to the client and using a computer system to schedule an appointment with the service provider(s). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the client of Sato et al. to view the appointment information of the service provider, such as with Cummings, Jr. et al., before trying to schedule

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an appointment in order to more efficiently schedule appointments by allowing the client to view the schedule information of the provider and select from providers available at times which the needs of the client, thus quickening the scheduling process.

16. As per claims 11 and 12, Sato et al discloses allowing the service provider to schedule an appointment and the client to schedule an appointment (See at least figures 6-8 and 10, column 2, lines 5-31, column 5, lines 40-60, column 6, lines 60-67, column 7, lines 1-3, column 8, lines 1-15 and 45-67, and column 9, lines 1-4 and 45-50). However, Sato et al. does not expressly disclose elements (a)-(c) in claims 11 and 12, respectively.

Cummings, Jr. et al. discloses enabling the service provider to accept or not accept proposed/tentative appointments, wherein appointments can be rescheduled for clients when requirements of the appointments, the service provider, etc. dictate, where the schedule is updated to remove not accepted and/or changed proposed appointments, where changes that have occurred in the physician's schedule since the last update are transmitted, and wherein the physician can block time on his/her schedule (See at least column 8, lines 20-35 and 40-65, column 9, lines 35-67, and column 10, lines 1-11, wherein the appointments can be changed and rescheduled and the calendar associated with the service provider updated to show these changes).

However, while Cummings, Jr. et al. discloses that the system accepts changes to the service providers schedule, allow for rescheduling of clients, and allows for updating the schedule, blocking sections of time, and rescheduling, Cummings, Jr. et al. does not expressly disclose the service provider of the client canceling a confirmed appointment date and time.

Both Cummings, Jr. et al. and Sato et al. disclose locating a doctor (or doctors) that is (are) available to provide service to the client and using a computer system to schedule an

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appointment with the service provider(s). Furthermore, Cummings, Jr. et al. discloses the system having the ability to update the availability of the doctors' schedules and the ability to reschedule appointments of the clients. It was well known in the medical service industry at the time of the invention that clients sometimes need to cancel confirmed appointments and reschedule these appointments, leaving these previously scheduled times open to other clients. It was also well known in the industry that doctors are sometimes called away by emergencies, etc. and therefore must cancel and reschedule an appointment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the rescheduling function of Cummings, Jr. et al. in the system of Sato et al. in order to increase user friendliness of the system by allowing the system to incorporate the ability to reschedule to meet the needs of the industry.

Furthermore, Cummings, Jr. et al. discloses a scheduling system that will accept changes to the service providers schedule and allows for updating the schedule, blocking sections of time, and rescheduling. As stated above, it was well known in the medical service industry at the time of the invention that clients and doctors sometimes need to cancel and reschedule appointments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for changes and updates to confirmed appointments in the system of Cummings, Jr. et al. in order to more efficiently maintain total schedule control and protect the interests of all parties involved by having the schedule meet the known needs of the industry. See column 10, lines 1-20.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Detjen et al. (U.S. 5,970,466) discloses a scheduler for scheduling appointments with providers by type, duration, etc.

Hall ("AJENIS: Make the connection") teaches a computer system for finding suppliers for a meeting and reserving the suppliers.

"AJENIS Meets New Internet Standards Plan" (Inside Interactive Travel) discloses a system for identifying in a database service providers for a meeting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*lwd*  
bvd

September 15, 2004

  
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